

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

K2M DESIGN, INC. c/o Scott Maloney, CEO,

Plaintiff,

-against-

SCHMIDT CONSULTING GROUP, INC.,
PETER K. SCHMIDT, GENE LIM,
FILMWEST GLOBAL, and PARTNERSHIP,
LLC,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/18/2022

1:22-cv-3069

ORDER

MARY KAY VYSKOCIL, United States District Judge:

A review of court records indicates that the complaint in this action was filed on April 13, 2022, and that no proof of service has been filed as to Defendants Schmidt Consulting Group, Inc. and Dr. Peter K. Schmidt. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

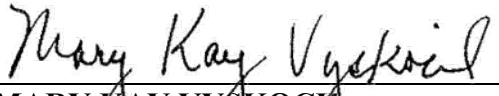
“‘The filing of an amended complaint . . . does not restart the [90] day period for service under Rule 4(m)’ with respect to defendants named in the original complaint.” *Hernandez v. Lira of New York Inc.*, No. 20-CV-4457 (RA), 2022 WL 280887, at *2 (S.D.N.Y. Jan. 31, 2022) (citation omitted).

The plaintiff is directed to serve Defendants Schmidt Consulting Group, Inc. and Dr. Peter K. Schmidt and file proof of service on the docket on or before August 25, 2022. If service has not been made on or before that date, and if plaintiff fails to show cause, in writing, why service has not been made, the complaint will be dismissed as against Defendants Schmidt

Consulting Group, Inc. and Dr. Peter K. Schmidt for failure to prosecute pursuant to Rules 4 and 41 of the Federal Rules of Civil Procedure.

SO ORDERED.

Date: August 18, 2022
New York, NY



MARY KAY VYSKOCIL
United States District Judge